

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on August 1, 2003, and the references cited therewith.

Claim 13 is amended. Claims 22-26 have been added. Claims 1-7 and 12-26 are now pending in this application.

§102 Rejection of the Claims

Claims 1-3, 7, 12-15, 17, 20 and 21 were rejected under 35 USC § 102(e) as being anticipated by Wunderman et al. (US 6,122,042). This rejection is respectfully traversed. Applicant reserves the right to swear behind the reference.

Wundermann et al. does not describe a micromechanical element as claimed in all the independent claims. Further, element 102 in Wunderman et al. is used to illuminate objects to test them. It is not a “display element” claimed, and commonly understood as an element that visually conveys information to a user. Further, the term micromechanical element is also described in the application as a “microengineered movable element” in the first paragraph of the detailed description. This language has also been included in amended claim 13 for consistency.

Wundermann et al. also does not teach the sensor element being selected from the group stated in the Office Action. In fact, the sensor in Wundermann et al. is a photo detector, and it is the object being detected that is provided with the attributes that are improperly attributed to the detectors as see at Col. 20, line 10 et seq.: “It is sometimes desirable to coat portions of the object under test with liquid crystal material, or any material that changes color with attributes of temperature, pressure, stress, strain, illumination, electric or magnetic field, current, vibration, motion, ions, chemical environment, or metabolic activity. This allows any such respective localized attribute variations of the object to be conveyed to the detectors and signal processor, and they enable enhanced identification of its properties.”

As multiple elements are missing from the claims, any one of which would be sufficient, a prima facie case of anticipation has not been established, and the rejection should be withdrawn.

Claims 1, 7, 12-15, 17-18 and 20-21 rejected under 35 USC § 102(e) as being anticipated by Zhang et al. (US 2002/0125410 A1). This rejection is respectfully traversed. Applicant reserves the right to swear behind the reference.

Zhang et al. does not teach or suggest a micromechanical element as in claim 1 and 12, or a moveable microengineered input element as recited in claim 13. Zhang et al. only describes a photoelectric conversion layer 322 and a light receiving unit 31. Embodiment 1 is described as a contact type image sensor having a linear sensor unit 30 having a light receiving unit 31. There is no teaching that any type of micromechanical structures, or moveable microengineered input elements are created. Since elements in each of the claims are lacking in Zhang et al., a prima facie case of anticipation has not been established, and the rejection should be withdrawn.

Claims 1-2, 7, 12-16, 17-18 and 20-21 rejected under 35 USC § 102(e) as being anticipated by Cooper (US 2002/0003169 A1). This rejection is respectfully traversed. Applicant reserves the right to swear behind the reference.

The Office Action refers to a semiconductor support substrate in Cooper as being element 3. However, element 3 is described by Cooper as “a plastic substrate” at Paragraph 15. Thus, there is no semiconductor substrate supporting the elements described in the independent claims, and the rejection should be withdrawn.

Claims 7 and 17 were rejected in view of each of the above references. It should be noted that none of the references teach or suggest a mechanical or moveable element in the sensor. There are many different types of these sensors that are not based on a micromechanical element. Thus, simply because a sensor is listed in a reference, does not make it inherent that it is a micromechanical based sensor.

§103 Rejection of the Claims

Claims 4-6 and 19 were rejected under 35 USC § 103(a) as being unpatentable over Wunderman et al. (US 6,122,042) in view of Ogihara et al. (US 6,222,208 B1). This rejection is respectfully traversed. Since the independent claims from which these claims depend are believed allowable, these claims should also be in condition for allowance. The rejection should be withdrawn.

Claims 3-6 and 19 were rejected under 35 USC § 103(a) as being unpatentable over Cooper (US 2002/0003169 A1) in view of Ogihara et al. (US 6,222,208 B1). This rejection is respectfully traversed. Since the independent claims from which these claims depend are believed allowable, these claims should also be in condition for allowance. The rejection should be withdrawn.

New claims 22-26 have been added and distinguish the art for at least the same reasons selected previous independent claims.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6972) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

MICHAEL R. FLANNERY ET AL.

By their Representatives,

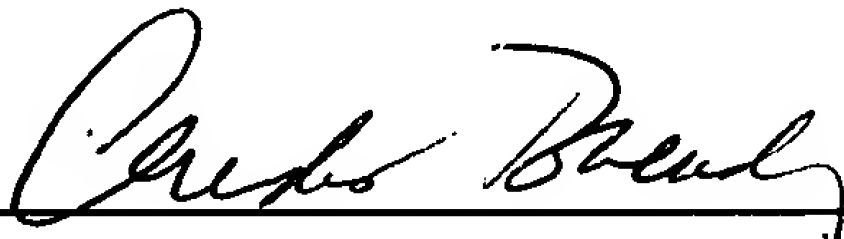
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6972

Date 12-18-2003

By 
Bradley A. Forrest
Reg. No. 30,837

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18 day of December, 2003.

Candis B. Buending
Name


Signature